

### 13.1 General Discussion

Certification Acceptance (CA) is a program in which the Federal Highway Administration (FHWA) delegates authority to the Washington State Department of Transportation (WSDOT) for approving project development and construction administration. WSDOT has the option of delegating some or all of this authority to qualified local agencies, state or federal agencies, or Indian tribes. This procedure permits a local agency to retain more of the approval authority at the local level when developing FHWA assisted transportation projects. The CA program does not eliminate any project development procedures. Benefits of CA to a local agency include savings in time and money since the agency has the authority to develop, advertise, award, and manage its own projects.

CA requires local agencies to commit sufficient staff and other resources to project administration to ensure that all applicable state and federal requirements are met, and that the work can be accomplished efficiently. Once a local agency has been certified, the certification agreement remains in effect indefinitely unless rescinded due to lack of performance or modified by one of the parties.

A CA local agency has the option of requesting that WSDOT or another CA agency administer any given project.

A local agency which has not been certified to administer FHWA projects must obtain the approval of the Regional Highways and Local Programs Engineer to enter into agreement with a CA agency for administration of the project.

### 13.2 Certification Acceptance Features

A certified agency is the approving authority for administering FHWA funded projects in the following project items:

- a. Location and design.
- b. Utility agreements.
- c. Railroad agreements.
- d. Standard consulting engineering agreements.
- e. Public hearings, findings, and orders.
- f. Plans, specifications, and estimates.
- g. Tied bids.
- h. Advertising periods of less than three weeks.
- i. Advertisement and award of construction contracts.
- j. Construction administration.
- k. Construction material testing and testing personnel.

FHWA and WSDOT retain approval authority for the following:

- a. Authorization of FHWA funds.
- b. Environmental requirements for NEPA and ESA (Endangered Species Act).
- c. Right-of-way certification.
- d. Final inspection of NHS routes or large and complex projects and Emergency Relief (ER) projects.
- e. Equal employment opportunity programs.
- f. Disadvantaged Business Enterprise (DBE).
- g. Nonstandard Consultant Agreements, when applicable.

Only local agencies with full CA status may construct federal aid projects using agency forces.

### 13.3 Certification Acceptance Requirements

- a. Projects must be administered in accordance with this manual.
- b. Projects must be administered by a Professional Civil Engineer registered in the state of Washington who is either on staff as a public employee or is a contract employee designated as the agency's Engineer.
- c. The agency shall have sufficient expertise and capability to perform and supervise the design, environmental, PS&E, and construction-administration phases of the project.
- d. The local agency must have designated an official approving authority for all WSDOT-delegated project approvals. This authority (e.g., agency executive or policy body) must officially approve each project step for which it is the approving authority, as identified in the agreement.

### 13.4 Application for Certification Acceptance

A local agency wanting to operate under Certification Acceptance procedures must submit two copies of the Certification Acceptance Qualification Agreement and their Table of Organization to the Regional Highways and Local Programs Engineer. A "Certification Acceptance Qualification Agreement" form is enclosed and is available through the WSDOT Regional Highways and Local Programs Engineer.

After receiving the CA Qualification Agreement, the Assistant Secretary for Highways and Local Programs or designee will conduct an interview with the local agency administrators to determine whether the agency is capable of administering an FHWA-funded project. Areas of consideration will be a determination of past performance, current staffing, overall capability, and knowledge of FHWA and state requirements.

Based on the interview, the Assistant Secretary for Highways and Local Programs will consider the following options:

- a. Permit full administration of all projects by the local agency;
- b. Allow limited local agency administration on a project-by-project basis;
- c. Allow local agency administration on projects up to a maximum dollar limit; or
- d. Deny Certification Acceptance.

The definitions of the various level of CA approvals are outlined below:

**Non-CA Status**

All projects must be administered and work performed by the region or another CA agency.

**Modified CA Status (Individual Project Approval)**

Approval to perform specific aspects of a project under a plan developed by the agency and approved based upon review by the Highways and Local Programs Operations Engineer. This category allows projects of smaller sizes to be performed in part by the agency depending upon their capabilities, considering the character of the work, dollar value of the project, and duration and complexity. The project plan shall address how each of the following phases of the work will be performed.

- Financing approvals — accounting/billing capabilities.
- Development of plans, specifications, and estimates.
  - a. Consultant involvement, selection, and monitoring.
  - b. Approval of contract documents.
- Advertising and award or use of local agency forces.
- Contractor or local agency monitoring and documentation.
- Final acceptance and records review.

**Full CA**

Delegation of authority to an agency as authorization in the *Local Agency Guidelines* manual. The first project will be considered a trial service. A favorable performance management review (PMR) will confirm full CA status.

**Probationary CA**

Reduced delegation of authority of a CA agency to a project or phase of a project as the result of poor past performance as evidenced by either a PMR or Documentation Review. Continuation in a Probationary CA status, reinstating to Full CA status, or complete removal of CA status will be reviewed on a project-by-project basis as evidenced by a PMR or Documentation review.

**13.5 Certification Acceptance Compliance**

The WSDOT Regional Highways and Local Programs Engineer will consult and advise the CA agency concerning the project-management procedures to be followed. The level of this assistance will depend on the nature of each project and the demonstrated capabilities of the local agency. In addition, the Assistant Secretary for Highways and Local Programs will annually select projects for an in-depth procedural review. Typical procedural review questions and documents to be examined during this review are listed in Chapter 53.

The local agency may lose CA status or be placed on probationary CA if problems are identified during project management reviews or documentation reviews by the Highways and Local Programs staff or during:

- An audit by the State Auditor.
- During final project inspections.
- If the qualifications and experience of the agency staff are significantly downgraded.

If a vacancy occurs in the positions described in the CA Agreement as “Approving Authority,” the Regional Highways and Local Programs Engineer shall be notified and may schedule an interview of the replacement person.

The loss of CA status and reinstatement conditions will be outlined in a letter from the Highways and Local Programs Operations Engineer.

**Forms**

[Certification Acceptance Qualification Agreement](#)

[Certification Acceptance Interview Form](#)

# ***Certification Acceptance Qualification Agreement***

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AGENCY \_\_\_\_\_ AGENCY NO. \_\_\_\_\_

The agency agrees to comply with the following requirements when developing all Federal Highway Administration (FHWA) projects under \_\_\_\_\_ CA status.

1. Adherence to the *Local Agency Guidelines* and all policies and procedures promulgated by the Washington State Department of Transportation (WSDOT) which accomplish the policies and objectives set forth in Title 23, U.S. Code, Highways, and the regulations issued pursuant thereto.
2. The overall approval authorities and conditions will be as follows:
  - a. The project prospectus will be reviewed and approved by the following official.  
\_\_\_\_\_  
Position Title Only
  - b. The local agency agreement will be reviewed and approved by the following official or officials.  
\_\_\_\_\_  
Position Title Only
  - c. The designs and environmental documents will be reviewed and approved by the following state of Washington registered Professional Civil Engineer.  
\_\_\_\_\_  
Position Title Only
  - d. The hearing's findings (if required) will be reviewed and approved by the following official or officials.  
\_\_\_\_\_  
Position Title or Titles Only
  - e. The contract plans, specifications and estimate of cost will be reviewed and approved by the following state of Washington registered Professional Engineer.  
\_\_\_\_\_  
Position Title or Titles Only
  - f. Agreements will be signed by the following responsible local official:
    - (1) Railroad \_\_\_\_\_  
Position Title Only
    - (2) Utility \_\_\_\_\_  
Position Title Only
    - (3) Consultant \_\_\_\_\_  
Position Title Only
    - (4) Technical Services \_\_\_\_\_  
Position Title Only
  - g. The award of contract will be signed by the following responsible local official.  
\_\_\_\_\_  
Position Title Only
  - h. All projects will be constructed in conformance with the Washington State Department of Transportation/American Public Works Association (WSDOT/APWA) current *Standard Specifications for Road, Bridge, and Municipal Construction* and such specifications that modify these specifications as appropriate. Multimodal enhancement projects shall be constructed in conformance with applicable state and local codes.

i. The contract administration will be supervised by the following state of Washington registered Professional Civil Engineer.

\_\_\_\_\_  
Position Title Only

j. Construction administration and material sampling and testing will be accomplished in accordance with the WSDOT *Construction Manual* and the *Local Agency Guidelines*.

- 3. The agency agrees that they have the means to provide adequate expertise and will have support staff available to perform the functions being subdelegated. The support staff may include consultant or state services.
- 4. The agency agrees that the signature on each project prospectus and local agency agreement will be consistent with section 2 above.
- 5. All projects under Certification Acceptance shall be available for review by the FHWA and the state at any time and all project documents shall be retained and available for inspection during the plan development and construction stages and for a three year period following acceptance of the project by WSDOT.
- 6. Approval of the local agency certification by the Assistant Secretary for Highways and Local Programs may be rescinded at any time upon local agency request or if, in the opinion of the Assistant Secretary for Highways and Local Programs, it is necessary to do so. The rescission may be applied to all or part of the programs or projects approved in the local agency certification.

\_\_\_\_\_  
**Mayor or Chairman**

\_\_\_\_\_  
**Date**

**WASHINGTON STATE DEPARTMENT  
OF TRANSPORTATION**

**Approved By:**

\_\_\_\_\_  
**Assistant Secretary for Highways and Local Programs**

\_\_\_\_\_  
**Date**

# Certification Acceptance Interview Form

Agency: \_\_\_\_\_

Date: \_\_\_\_\_

Interview Conducted By:

Agency Representatives:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Table of Organization:** (Get copy from agency and review duties, requirements, and personnel currently filling.)

## Position Responsible for the Following Functions

Six-Year Transportation Improvement Program: \_\_\_\_\_

Selection of Annual Program: \_\_\_\_\_

Location/Design Approval: \_\_\_\_\_

Environmental Documents: \_\_\_\_\_

PS&E Approval: \_\_\_\_\_

Tied Bids: \_\_\_\_\_

Approval of Materials Sources: \_\_\_\_\_

Construction Administration: \_\_\_\_\_

Construction Inspection: \_\_\_\_\_

Acceptance Sampling/Test: \_\_\_\_\_

Independent Assurance Sampling/Test: \_\_\_\_\_

Change Orders: \_\_\_\_\_

Project Files: \_\_\_\_\_

OEO Interviews/Monitoring: \_\_\_\_\_

Training Goal Attainment: \_\_\_\_\_

DBE Compliance/Monitoring: \_\_\_\_\_

## Consultants

For what areas does the agency expect to use consultants?

\_\_\_\_\_ Environmental

\_\_\_\_\_ Design

\_\_\_\_\_ PS&E Preparation

\_\_\_\_\_ Right-of-Way Appraisal

\_\_\_\_\_ Right-of-Way Negotiation

\_\_\_\_\_ Right-of-Way Relocation

\_\_\_\_\_ Construction Administration

\_\_\_\_\_ Construction Inspection

\_\_\_\_\_ Surveying

\_\_\_\_\_ Sampling and Testing

Does local agency have written procedures for the selection of consultants? Yes \_\_\_\_\_ No \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

If consultants are used, how will agency monitor and control the consultant's work? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Remind agency that they will be in control of the consultant's work and that EEO, DBE, and training should be done by agency.

**Right-of-Way**

Does the agency have procedures approved by WSDOT for:

Right-of-Way Acquisitions	Yes _____	No _____
Relocation	Yes _____	No _____

**Procedures for Ad, Award, and Execution of Contract**

Position Responsible for:

Approval to Advertise	_____
Prequalification of Bidders	_____
Award of Contract	_____
Execution of Contract	_____
Name of Legal Publication	_____

**General Questions About Administration**

Who decides on and approves deviations from design prior to submittal to the state for formal approval?

\_\_\_\_\_

Describe ledger system: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Who will check payrolls, etc.? \_\_\_\_\_

Describe change order approval process: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe materials testing and approval process: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe agency requirements for project diary and inspectors daily report keeping: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe agency process for approval of subcontractors: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

How will agency handle administration of more than one contract at the same time? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

How will agency handle inspection of several phases of project at same time (e.g., dirt work, electrical, paving, structure)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

How will agency respond if project engineer and/or inspector are unable to be on job site due to illness, etc.? Who will handle control of project if needed person cannot be there? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

How does agency manage traffic control? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Are there written procedures for preconstruction conferences? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Does Agency Have These Necessary Manuals**

Local Agency Guidelines	Yes _____	No _____
AASHTO — Policy on Geometric Design of Highways and Streets	Yes _____	No _____
WSDOT Construction Manual	Yes _____	No _____
WSDOT/APWA Standard Specifications	Yes _____	No _____
APWA Amendments	Yes _____	No _____
WSDOT Amendments and Standard Specifications	Yes _____	No _____
Standard Item Table	Yes _____	No _____
MUTCD	Yes _____	No _____
WSDOT Design Manual	Yes _____	No _____
WSDOT Standard Plans for Road and Bridge Construction	Yes _____	No _____
WSDOT Utility Manual	Yes _____	No _____
WSDOT Right-of-Way Manual (2 volumes)	Yes _____	No _____
SWIBS Manual	Yes _____	No _____
Hydraulics Manual	Yes _____	No _____

**Upcoming Federal Aid Projects**

**Scheduled to Begin**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Summary**

Action to be taken by agency in following areas: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Comments From Reviewers**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Recommendation of Review**

- \_\_\_\_\_ Full administration by agency of all projects
- \_\_\_\_\_ Administration by agency on a project-by-project basis
- \_\_\_\_\_ Administration by agency for projects up to \$\_\_\_\_\_
- \_\_\_\_\_ Deny approval for certification acceptance
- \_\_\_\_\_ Remove from certification acceptance status

**Concurrence by Assistant Secretary for Highways and Local Programs**

\_\_\_\_\_  
Assistant Secretary for Highways and Local Programs

\_\_\_\_\_  
Date